

**WALDO COUNTY COMMISSIONERS COURT SESSION
DECEMBER 30, 2008
(SPECIAL SESSION)**

PRESENT: Commissioners John M. Hyk, Donald P. Berry, Sr., and Amy R. Fowler, and Waldo County Clerk Barbara Arseneau to take the minutes.

CALL TO ORDER:

Chairman Commissioner John Hyk called the meeting to order at 9:00 a.m.

TREASURER'S REPORT:

REVENUE:

D. Parkman reported that the revenue received so far was "down," but still over 14% more than anticipated, including the rent for January which came in this year. He noted that the District Court rent is still not being paid in the correct amount and the County Clerk and he were still trying to get the issue resolved.

JAIL BUDGET:

D. Parkman reported \$615,420.00 remaining in the Jail budget. The Corrections Reimbursement account is about \$16,908.00. He recommended taking \$10,000.00 out of the Jail account to start 2009 with so that borrowing will not have to take place on the TAN right away.

The Commissioners felt that \$200,000.00 should be put in the Corrections Reimbursement account, which will leave about \$415,000.00 in the Jail account.

There was discussion of what to do with any unspent Corrections budget funds. D. Parkman expressed his view that it would be "a shame" to turn that all over to the State. He felt that it should be kept in the same account. There was discussion about not putting this in the General Fund. A. Fowler felt an account should be created for that money. D. Parkman said there would be two accounts – the Jail account and undesignated funds in the Jail account. The undesignated could be used in reserves as needed. K. Trussell said this money was also from previous years, as part of the 80% that can be used by the County for whatever the Commissioners deemed necessary.

****A. Fowler moved, D. Berry seconded placing \$10,000.00 to open the Jail account, \$200,000 placed in the Corrections Reimbursement and the remaining \$415,000.00 will be placed in the Jail account. Unanimous.**

APPROPRIATIONS:

The County is 90% expended in the amount of \$681,523.67. He noted that a few departments were a little "high" in expenditures, including the Commissioners budget, Facilities Management budget (Fuel line at Superior Courthouse), the Audit budget and the Communications Center budge. He cautioned, "The bad news is that if you were to take the budget as is at 90% expended and you take the Jail out of that, you have a little over \$66,000.00 in surplus."

D. Parkman read expenditure amounts from the Reserve Accounts in the amount of \$17,765.60, which is included in the warrant below.

RESERVES

The Reserve accounts have \$1,275,650.10 as of today.

RECOMMENDED YEAR 2009 WALDO COUNTY TAX & JAIL BREAKDOWN:

- The Tax Commitment for the Jail (Total Jail Expenditures) is 3,052,276.00.
- Tax Total Commitment (Total County Expenditures) is \$4,547,700.62.
- The Jail Revenue is \$219,923.00.
- The County Revenue is \$503,852.18.
- The Overlay is \$151,999.53 (2% of total budget).
- The Assessment \$7,028,200.95, which is \$58,198.03 under the L.D. #1 Cap.

****A. Fowler moved, D. Berry seconded setting the overlay at \$151,999.53. Unanimous.**

**** A. Fowler moved, D. Berry seconded to authorize payment of the December 30, 2008 Accounts Payable warrant in the amount of \$98,714.34. Unanimous.**

****D. Berry moved, A. Fowler seconded to authorize payment of the December payroll in the amount of \$267,951.06. Unanimous.**

Regarding Commissioner Hyk's approaching retirement as County Commissioner, D. Parkman said he had "appreciated getting to know Commissioner Hyk and would miss him awful."

Executive Session:

****A. Fowler moved, D. Berry seconded entering Executive Session at 9:25 a.m. for a legal/personnel matter related to ongoing discussions of labor contracts and proposals according to Title 1 § 405 (6) (D). Unanimous.**

****A. Fowler moved, D. Berry seconded exiting Executive Session at 10:30 a.m. Unanimous.**

No action was taken.

TECHNOLOGY REPORT

Present were Technology Consultant James Arseneau, Treasurer David Parkman and a local reporter.

J. Arseneau referenced a memo from him to the Commissioners dated December 29, 2008. In that memo, he reviewed the request made by the towns of Stockton Springs and Islesboro for their agencies to gain access to the Spillman Law Records Management system in the same manner as the full-time agencies of the Waldo County Sheriff's Office along with Searsport, Belfast and Lincolnville Police Departments. The Commissioners had approved the budgeted recommendation of \$31,000.00 per year for a five-year lease and forwarded the recommendation to the 2009 Waldo County Budget Committee. This five-year lease included hardware for the five laptops for the Sheriff's Office in the amount of \$25,000.00 and \$105,000.000 for the licensing and configuration of the Spillman software required to bring these two agencies on. The Budget Committee was made aware that a Homeland Security grant had been applied for and if this grant funding was awarded, it would be used for this purpose. The recommended budgeted funds would serve as a "backup" should the grant funding not come through. Considering that all the other agencies connected to Spillman did so thorough the County budget, it was recommended that the county move forward with signing the Spillman and software agreement in anticipation of carrying out Stockton

Springs' and Islesboro's requests, with the understanding that if the grant funding was received, the unspent appropriated funds would become "undesignated funds" at the end of 2009.

During the Public Hearing and Final Budget committee Meeting on December 19, 2008, Budget Committee Chairman Bill Sneed recommended that the laptops be purchased through the Technology Reserve account rather than appropriating funds in the 2009 County budget. He made a motion to reduce the budgeted amount by \$25,000.00, which the Committee passed without clearly indicating the reason for this reduction in their vote. During a break in the meeting, J. Arseneau had pointed out to B. Sneed that the \$25,000.00 for the laptops was only a small part of that five-year lease and that the amount for the software needed to be increased. The Chairman "shrugged his shoulders and when the meeting resumed, he did not choose to revisit this matter. J. Arseneau expressed concern that the Budget Committee did not fully understand that only \$6,000.00 of that \$31,000.00 was for the laptops, and there was no other opportunity to explain this during that final budget meeting.

J. Arseneau stated that he believed that this error needs to be brought to the Budget Committee's attention and corrected. Increasing that line (1020-7001) by the additional \$19,000.00 will cover the reasonable and equitable requests of Stockton Springs and Islesboro law enforcement agencies to be allowed access to the Spillman system in the same manner as the other agencies enjoying that benefit. J. Arseneau mentioned that the \$19,000.00 represents only ¼ % increase of the entire County Budget. If the Budget Committee would not be willing to correct this error, J. Arseneau urged the Commissioners to appropriate the funds, even if it meant overdrawing this line each year for five years to cover the cost, in the event that grant funding is not received, as it would not be fair to not permit Stockton Springs and Islesboro the same access to the Spillman system as other agencies enjoyed. J. Arseneau noted that it will only cost the County more to do it later because the software costs increased considerably since the initial purchase in 2006.

J. Arseneau also expressed concern regarding a comment made by Councilor (and current Waldo County Budget Committee member) Roger Lee at the last Belfast Council meeting, referring to the County as having "gold-plated equipment." J. Arseneau informed the Commissioners that the City of Belfast's technology person reviewed the County's information and stated that this is what the City would recommend using. J. Arseneau expressed concern that this type of misinformation about the County's technological equipment is being spread throughout the County.

The Commissioners had previously thought about using the Reserve for the \$19,000.00 but J. Arseneau expressed concern that this would be charged as misuse of the Reserve account by the Budget Committee, especially when this accusation was made in 2007 and later reneged after careful review of what the Reserve Accounts had actually been spent on.

J. Arseneau told the Commissioners that he still had a memo that was sent out by Bill Sneed (current Waldo County Budget Committee member) back when B. Sneed was on the Technology Task Force, indicating that money should be set aside annually in the Reserve Account for Technology in order to cycle out outdated equipment on a regular basis.

The Commissioners discussed overdrawing that line instead, if they had to and stated that they would find the \$19,000.00 in order to permit Islesboro and Stockton Springs access to the Spillman System as requested.

****A. Fowler moved, D. Berry seconded to sign the five-year Spillman lease to allow access for the law enforcement agencies of Islesboro and Stockton Springs starting in 2009. Unanimous.** J. Hyk signed the contract as requested.

In view of this information and the need for \$19,000.00, D. Parkman wondered if a letter should be sent to the department heads cautioning them that there is very little surplus anticipated for 2008 and alerting them that they might be careful with any other expenditures for the rest of 2008. He was in fear that the overall 2008 budget may be overdrawn. The Commissioners felt it was too late in the year to send such a letter.

COMMUNICATIONS CENTER UNION CONTRACT SIGNING:

Present for the signing the contract with the County Commissioners was Richard Farmer, Dispatcher and Union Steward for the AFSCME Council 98 Communications Center Union.

****D. Berry moved, A. Fowler seconded that the Commissioners ratify the Communications Center contract for 2009-2011 as presented.** Discussion: D. Berry explained that the contract agreement had been a fairly smooth process. He listed the basic differences from the current contract, including a shift differential for employees not working the day shift (.20 additional cents per hour), an arrangement for “inverse-out” for filling shifts, addition of missing language from the bereavement clause and updating the educational stipends.

COMMUNICATIONS CENTER REPORT:

Present with the Commissioners was Communications Director Owen Smith. O. Smith stated that he knew the Commissioners were aware of ongoing issues brought to their attention by West Frankfort Rescue Team Director Adrian Stone. O. Smith informed the Commissioners that this is an “ongoing thing between West Frankfort and Frankfort.” The Waldo County Regional Communications Center Board of Directors had decided not to get involved in this “feud” between the two. It has been ongoing for a couple of years with the Board. “Obviously I am sensitive to some of the comments this man made,” O. Smith stated. “First of all, we communicate on Fire South. Everyone is being communicated with.” O. Smith also said he had not been notified about these specific calls issues. “It is impossible to deal with something if I am unaware of it.” He added that he was meeting with Director Stone to try and get to the root of the problems and reach some resolution.

The Commissioners decided to send communication thanking Mr. Stone for his letter and letting him know that since this is an operational matter, his letter will be forwarded to the WCRCC Board of Directors with a brief explanation to him that the Commissioners are not involved with the operational matters of the Communications Center.

D. Berry thanked O. Smith for the clarification regarding this matter.

O. Smith thanked commissioner Hyk for his years of service.

HEALTH INSURANCE UPDATE:

1. **RETIREEE COVERAGE:** Through an E-mail message forwarded to the Commissioners by Insurance Administrator Malcolm Ulmer, M. Ulmer reported that the reinsurer has informed him that the reinsurer will not permit coverage for retirees and will not serve as the County’s reinsurer if the County insists on having this type of insurance coverage.

2. B. Arseneau informed the Commissioners that the re-enrollment process is moving along and the addition of the Great West network is working well in resolving some of the out-of-network issues of many of the employees.

COMMISSIONERS MISCELLANEOUS BUSINESS:

1. PAYSCALES: STARTING SALARIES:

- D. Parkman recommended setting the starting salary for Treasurer's position at \$7,800.00.
- D. Berry requested an Executive Session for a Personnel matter related to duties and compensation.
****D. Berry moved, A. Fowler seconded entering executive session at 11:27 a.m. for a Personnel matter according to Title 1 § 405 (6) (A) pertaining to duties and compensation of an individual or group of public officials, appointees or employees of the body or agency. Unanimous.**
- **A. Fowler moved, D. Berry seconded exiting Executive Session at 11:57 a.m. Unanimous.**
- ****A. Fowler moved to set the starting County Commissioners' pay based at the most junior Commissioner's starting salary two years ago and moving forward with the starting salary for 2009 at \$9,340.00, at completion of 2 years - \$250.00, at completion of 4 yrs - \$500.00, at completion of six years - \$750.00 and at completion of 8 years - \$1,000.00.**
- Human Resources/Payroll Director Michelle Wadsworth had prepared 2009 pay scales for the Fair Labor Standards employees including the EMA Director, Chief Deputy, Jail Administrator, Communications Director, Deputy County Treasurer and Facilities Manager including minimum starting wages and COLA increases for 2009. The Commissioners signed this pay scale.

Commissioner Berry thanked Commissioner Fowler for her hard work on the pay scales.

2. ATTORNEY CONTRACT FOR POVERTY/TAX ABATEMENT CASE:

The Commissioners were made aware that there is no conflict of interest and therefore, they agreed to sign a contract with Perkins-Thompson Attorney James Katsiaficas for legal counsel related to an ongoing complex poverty/tax abatement case.

****D. Berry moved, A. Fowler seconded to accept and sign an agreement with attorney Jim Katsiaficas for services to the County for an ongoing poverty/tax abatement case. Unanimous.**

A. Fowler requested clarification on this particular case and was told that the municipality had denied the request and that it had now been identified as a poverty abatement case. B. Arseneau provided copies of poverty abatement statutes and information obtained when she attended a course on poverty abatement appeals, and tax abatement appeal hearings in general. J. Hyk requested that this information be forwarded to the attorney.

CORRESPONDENCE:

Present to review correspondence with the County Commissioners was County Clerk Barbara Arseneau and Deputy County Clerk Veronica Stover recording the minutes for this portion of the Court Session, as follows:

1. B. Arseneau reminded the Commissioners that they will be holding a tax abatement appeal for Mr. and Mrs. Lewis Brown vs. the Town of Belmont during their January Court Session. J. Hyk requested, that since he was leaving County service, the Board of Commissioners “press on with tax abatements and to push people into the modern world of assessing taxes.” He noted that, as a board, the Commissioners had done that and wished to see it continue.
2. The Commissioners Office has received three individual requests for tax abatement appeals from Brooks Citizen Randy Hegstrom. The County Commissioners agreed to review this during their January Commissioners Court Session to determine if they would schedule a hearing.
3. MCCA Executive Director Robert Howe sent, at the request of three member counties, a sheet with MCCA 2009 dues options for review.
4. MCCA Executive Director Robert Howe sent E-mail communication forwarding comments from Court Administrator Ted Glessner, which “largely alleviates” the concerns R. How had with T. Glessner’s proposal for a statutory change. Title 4 MRSA §115 addresses the fact that the County Commissioners must provide space for the use of the Supreme Judicial and superior Courts, and specifically the space that was in use by the courts on January 1, 1976. In recent years the Judicial Branch has undertaken a number of measures to improve efficiency, including consolidating the Clerk of Court offices for District and Superior Courts in many locations. By Administrative Order, the Justices of Superior Court and district Court may sit in either Superior or District Courts, making it possible for a judge presiding in a court location to hear both Superior and District Court matters on a given day. For this reason, the current statutory omission of the District Court is not a reflection of what is occurring in the courtrooms that were Superior Court space in 1976. The purpose of the statutory change is to recognize how the practice has changed over time. The intent of the proposal is not to abandon District Court space that is currently rented from the Counties. It was noted that the few instances in which District Court space has no longer needed to be rented from counties was in cooperation with those counties, providing mutual benefit to those counties in terms of “rejuvenated space” and other options for the counties to use the space the court no longer occupies. He further noted that there has been a request for the addition of a statement of fact to the effect that the courts’ uncompensated use of County space is not intended by this bill to exceed the space addressed by the existing law, as described in 4 MRSA §115. If additional information would be useful, T. Glessner stated that he would be pleased to provide it.
5. Kennebec County Administrator Robert Devlin sent a copy of a bill sponsored by Representative Patsy Crockett at his request. He had recently discovered that security plans at correctional facilities are not protected under the FOA law. This bill adds security plans for correctional facilities to the list of documents that are confidential under the freedom of access laws. He added that Representative Crockett was looking for co-sponsors, and if anyone knew of someone interested in doing so, to please ask them to co-sponsor this bill.
6. District Attorney Geoffrey Rushlau sent a memo to the County Commissioners in which he referenced discussions he had engaged in with both Waldo and Knox Counties regarding their 2008 budgets, during which he had proposed changing how each county provides services to children involved in the criminal justice system as either victims or witness. For numerous years a single advocate served both counties with much of the cost offset by a grant from the Victims of Crime Act. The cost has continued to rise, and the grant has not increased, with both counties paying expenses not covered by the grant. He noted that in 2007 Waldo County paid about \$12,500.00 as its share. For 2008, he proposed that each county have

its own advocate. Knox's would be full-time, with benefits and Waldo's would be part-time. Waldo County would have little or no increase of hours but, in his opinion, would receive better services with an advocate responsible to just one office. He concluded his memo by listing the reasons that this cost was less than expected due to not hiring a part-time advocate in April and also because the current Victim/Witness Advocate accepted employment at a lower hourly wage than anticipated to avoid affecting social security benefits. He noted that for the same reason, the employee also declined the COLA increase other employees would receive. Therefore, he requested that the wage be budgeted at the proper level in the event that these circumstances changed.

7. Sheriff Scott Story sent notice that on November 4, 2008 Corporal Michael Dudley submitted his letter of resignation as Transportation Supervisor with December 4, 2008 being his final day of employment. On November 25, 2008, Corporal Dudley withdrew his resignation and requested that he be allowed to continue as Transportation Supervisor, which Sheriff Story approved. The Commissioners approved this decision.

8. Sheriff Story submitted a letter to the Commissioners notifying them that Officer Austin Read was no longer employed by the Sheriff's Office effective December 10, 2008.

****D. Berry moved, A. Fowler seconded to accept employment cessation of Austin Read effective December 10, 2008. Unanimous.**

9. B. Arseneau discussed with the Commissioners the fact that she was behind in transcribing minutes for some of 2007 and 2008. The Commissioners acknowledged that this had become backlogged as a result of work the Clerk had been involved in with changing the deferred compensation plan in the middle of 2007, with implementation of the new health insurance plan earlier this year, and with over a year of serving on all of the Commissioners union negotiating teams. It was further noted that two employees in the Commissioners' Office had taken FMLA leaves during this time and this had increased the work load. A. Fowler suggested hiring former Temporary Deputy County Clerk Karen Clark to assist in transcribing recent Budget Committee meeting minutes and possibly enter notes from Commissioners Court Session minutes for B. Arseneau to finish transcribing.

NEXT COURT SESSION:

The next Commissioners Court Session will be January 13, 2009.

J. Hyk moved, D. Berry seconded to adjourn the Court Session at 11:59 a.m. Unanimous.

Respectfully submitted by Barbara L. Arseneau
Waldo County Clerk